

TITLE 15. CRIME PREVENTION AND CORRECTIONS

DIVISION 2. BOARD OF PAROLE HEARINGS (Formerly known as Board of Prison Terms)

AMENDMENTS TO SECTION 2600.1; SEXUALLY VIOLENT PREDATOR SCREENING, HOLDS, AND ~~PROBABLE—CAUSE~~ HEARING BOARD DETERMINATIONS

NOTICE OF PROPOSED REULMAKING RN 07-01

NOTICE IS HEREBY GIVEN that the Board of Parole Hearings (Board) proposes to amend Title 15, Division 2, California Code of Regulations (CCR) § 2600.1 concerning sexually violent predator screening, holds, and board determinations.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed regulatory action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON JUNE 15, 2007, AND WILL CLOSE AT 5:00 P.M. ON JULY 30, 2007.** All comments must be submitted in writing (by mail, fax or e-mail) to the Agency Contact Person identified in this Notice by that time in order for the comments to be considered by the Board. Submit comments to:

Teresa Arcure Owensby, Regulations Coordinator
Board of Parole Hearings
PO Box 4036
Sacramento, CA 95812-4036
Telephone: (916) 322-9424
Facsimile: (916) 322-3475
E-mail: Teresa.Arcure@cdcr.ca.gov

AUTHORITY

These regulations are submitted pursuant to the Board's authority under Government Code §12838.4 and Penal Code §§ 3052 and 5076.2.

REFERENCE

These regulations are amended to implement, interpret, and/or make specific Proposition 83 and Senate Bill 1128.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code § 12838.4 vests the Board of Parole Hearings with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Board of Prison Terms and Narcotic Addict Evaluation Authority, which no longer exist.

Penal Code § 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go on parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the Board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

The Board proposes to amend section 2600.1 in Title 15 of the California Code of Regulations, Division 2. This section concerns sexually violent predator screening, holds, and board determinations.

The proposed amendments implement Proposition 83 and Senate Bill 1128, and carry out the intent of those laws, the protection of public safety. In particular, the proposed regulatory amendments will allow the Board to place a hold on a prisoner or parole for an additional 45 days by making a finding of good cause based on a document review instead of holding a probable cause hearing.

DISCLOSURES REGARDING THE PROPOSED ACTION

Local Mandates: The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

Fiscal Impact Statement: The Board has made the following initial determinations:

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: **None**
- Cost or savings to any state agency: **No additional costs beyond the Sex Offender Budget Change Proposal.**
- Other non-discretionary cost or savings imposed on local agencies: **None**
- Cost or savings in federal funding to the state: **None**

Significant Statewide Adverse Economic Impact on Business: The Board has determined that there is no significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with business in other states

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment of Effects on Job and/or Business Creation, Elimination or Expansion: The Board has determined that adoption of this regulation will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing business within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on Housing Costs: The Board has made an initial determination that the proposed action will have no significant effect on housing costs.

Small Business Determination: The Board has determined that the proposed regulation does not affect small business. This regulation directly affects prisoners, parolees and attorneys, who represent them at the small number of these special hearings.

CONSIDERATION OF ALTERNATIVES

The Board has determined that no reasonable alternatives identified or considered would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome than the proposed regulatory action.

CONTACT PERSON

Please direct requests for copies of the initial statement of emergency, the proposed text of the regulations, or other information upon which the rulemaking is based to:

Teresa Arcure Owensby, Regulations Coordinator
Board of Parole Hearings
PO Box 4036
Sacramento, CA 95812-4036
Telephone: (916) 322-9424
Facsimile: (916) 322-3475
E-mail: Teresa.Arcure@cdcr.ca.gov

In any such inquiries, please identify the action by using the Board's regulation control number RN 07-01.

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: Devaney Sullivan at (916) 324-5903.

Website Access: Materials regarding this proposal can be accessed from the Board's website at http://www.cdcr.ca.gov/DivisionsBoards/BOPH/reg_revisions.html

AVAILABILITY OF THE STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, Form 400 (Notice of Submission of Regulations), the proposed text of the regulation, Statement of Emergency, Initial Statement of Reasons and Form 399 (Fiscal Impact Statement). Copies may be obtained by contacting Teresa Arcure Owensby at the address or phone number listed above. Additionally, this notice of proposed action, the Statement of emergency, the Initial Statement of Reasons and the proposed text of the regulations are available on the Board's website at http://www.cdcr.ca.gov/DivisionsBoards/BOPH/reg_revisions.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Teresa Arcure Owensby at the address indicated above or by visiting the Board's website at

http://www.cdcr.ca.gov/DivisionsBoards/BOPH/reg_revisions.html. Further, The Board will accept written comments on the modified regulations for 15 days after the day on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained from the Board contact person or the Board's website at
[.http://www.cdcr.ca.gov/DivisionsBoards/BOPH/reg_revisions.html](http://www.cdcr.ca.gov/DivisionsBoards/BOPH/reg_revisions.html).

AVAILABILITY OF DOCUMENT ON THE INTERNET

Copies of the Notice of Proposed Action, the proposed text of the regulation and Statement of Emergency can be accessed through the Board's website at
[.http://www.cdcr.ca.gov/DivisionsBoards/BOPH/reg_revisions.html](http://www.cdcr.ca.gov/DivisionsBoards/BOPH/reg_revisions.html).

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